

**BEFORE THE STATE BOARD OF MEDIATION  
STATE OF MISSOURI**

SERVICE EMPLOYEES' INTERNATIONAL	)	
UNION, LOCAL NO. 50, AFL-CIO, CLC,	)	
	)	
Petitioner,	)	
	)	
vs.	)	PUBLIC CASE NO. 79-013
	)	
CITY OF SPRINGFIELD, MISSOURI,	)	
	)	
Respondent.	)	

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW, AND DECISION**

**JURISDICTIONAL STATEMENT**

This case appears before the State Board of Mediation upon the Service Employees' International Union, Local #50, AFL-CIO, CLC, filing a petition for certification as public employee representative for all communications clerks employed by the Springfield Police Department. On October 24, 1979, an informal hearing was held in Springfield, Missouri, at which representatives of the City, Local #50 and Missouri State Council #72, AFSCME, were present. Local #50 contends that the communications clerks should be declared a separate appropriate bargaining unit. The City and Council #72, however argue that the communications clerks should be included in a more pervasive unit of professional, administrative and technical city employees. The State Board of Mediation is authorized to hear and decide issues as to the appropriate bargaining units and majority representative status by virtue of Section 105.525, RSMo. 1978.

At the Pre-Hearing Conference, the parties agreed that a formal evidentiary hearing was unnecessary and that the Board could determine the issues on the basis of

briefs submitted by the parties. The Board, after a careful review of those briefs, sets forth the following findings of fact and conclusions of law:

### **FINDINGS OF FACT**

Since 1972 the City of Springfield has recognized for purposes of employee bargaining a unit consisting of approximately 250 persons employed in administrative, technical and clerical positions. Among the employees included in this city-wide unit have been approximately 18 persons working as communications clerks. The issue before the Board is whether the communications clerks have a community of interest that mandates that they be declared an appropriate bargaining unit separate from the city-wide unit.

The communications clerks work in 24-hour rotating shifts. Their main function is to operate the police department switchboard, handling emergency calls. Because they must often deal with crisis situations, all communications clerks must be trained in the city's emergency procedures. The clerks do not dispatch police officers but instead take incoming calls and channel them to the dispatchers of the police, fire or emergency medical assistance teams. The clerks also perform routine clerical duties such as updating card files and recording incoming calls.

The communications clerks work in the police department building along with uniformed police officers and secretaries. Although the building is separate from other city buildings, it is in close proximity to other city facilities. Any isolation from other city employees that the communications clerks might suffer is in no way unique in that many other city employees included in the city-wide bargaining unit also work in separate buildings.

As could be expected, the communications clerks must work in close connection with police officers. The clerks, like all police personnel, must receive a security clearance before they are hired. Such a clearance is not required of most other city employees. The clerks are supervised by the regional training supervisor--a police

official. Further, when a communications clerk is absent from work, he is often replaced by a police officer. However, it is not mandatory that the replacement be a police officer, but instead only someone trained in city emergency procedures.

The City of Springfield categorizes the city employees into three separate units for pay purposes. The fire and police personnel; the labor and trades personnel; and the professional, technical and clerical employees are treated separately in matters concerning job benefits and wages. The communications clerks have historically been included in the last group and are on the same pay grade as approximately 26 other employees in the overall unit. Presently the wages and benefits of all the employees within the city-wide unit are negotiated at the same time.

### **CONCLUSIONS OF LAW**

In its brief the City contends that Local #50's Petition should be dismissed on procedural grounds. The City points out that the communications clerks have belonged to a bargaining unit that has been informally recognized by the City since 1972. Because there already exists a recognized employee representative, argues the City, Local #50 must petition for the decertification of the present unit rather than petition for the certification of a new employee representative. Although the City's argument is technically correct, the Board will not dismiss the Petition in this instance. The reasons for not dismissing the Petition are twofold. First, the Board is reluctant to require decertification of a representative that has not been formally certified by the Board. Secondly, to dismiss the Petition on procedural grounds would needlessly prolong the certification process. A close examination of the requirements for a certification petition (40 CSR 2.030) and those for decertification petition (40 CSR 2.040) reveals that the contents of the two petitions are nearly identical. Therefore, all Local #50 would have to do to comply with the procedural requirements would be to change the title of the Petition. To dismiss the Petition because of this minor discrepancy would needlessly postpone the certification process to the detriment of the employee's bargaining rights.

Consequently, the Board will consider the Petition as though it were a decertification Petition despite the procedural deficiency.

The sole issue left for determination is whether the communications clerks constitute an appropriate bargaining unit separate from the other city employees. An appropriate unit is defined by Section 105.500 (1), RSMo. 1978, as:

"a unit of employees at any plant or installation or in a craft or in a function of a public body which establishes a clear and identifiable community of interest among the employees concerned;"

Although Missouri statutory law does not provide further guidelines for determining what constitutes "a clear and identifiable community of interest," the Board has consistently looked to a number of factors in determining whether employees have such a community of interest. Also, because Local #50's Petition seeks to carve out a separate unit from a broader, already existing unit, there are other considerations the Board must weigh in addition to the employee's community of interest. Those considerations include the over fragmentation and proliferation of bargaining units. The issue in this case is whether the communications clerks' right to effective representation will be protected only if they are allowed to bargain as a separate unit or, on the other hand, their rights are adequately protected by the broader city-wide unit.

The Petitioner's first argument is that the communications clerks should be considered a separate bargaining unit because they work apart from other city employees and have no contact with them. Although interchange among employees and geographic proximity are factors that are sometimes considered in determining the appropriate unit, they are not important in this case. Because of the various locations of the city buildings, many of the city employees work in separate facilities. Naturally an employee working in the Municipal Court Building will have minimum contact with employees working at City Hall. However, this physical separation does not prevent the

city-wide employees from having a community of interest that justifies a city-wide bargaining unit. If the Board were to certify as a separate bargaining unit any group of employees that worked in separate facilities, there would be an unmanageable proliferation of bargaining units that would work against public interest. Consequently, the Board must conclude that the mere physical separation of the communications clerks does not justify certifying the clerks as a separate unit.

Secondly, the Petitioner argues that the communications clerks possess skills and duties not shared by other city employees. Although the clerks do deal with emergency situations unlike many of the other city employees, the Board cannot conclude that this fact alone is sufficient to mandate a certification of a separate unit. Merely because a group of employees have special skills or occupy unique positions within the city is not reason enough to allow separate representation. Again, if that were the case the number of employee representatives would be unmanageable. Many other employees within the city have duties and skills not shared by other employees, e.g., building city planner, revenue technician, etc. However, this does not mandate that each position have a separate bargaining representative. Those employees that possess skills and duties not shared by other employees will require separate representation only when necessary to protect their right to effective bargaining. In this case the communications clerks are adequately protected by the city-wide unit.

Petitioner's final argument is that because the communications clerks are so closely integrated with the police department personnel, it would be unjust to include the clerks in the city-wide unit. Concededly, the communications clerks work closely with police officers and are supervised by a police official. However, the clerks have the same pension plans, fringe benefits and pay scale as other city-wide employees and have never been considered police personnel for such matters. In short, given the

differences between police officers and communications clerks in such matters as pay, duties, training and benefits, we must find that the clerks are not integrated into the functions of the police department to an extent as to require a separate unit.

In sum, the Board must conclude that the communications clerks do not constitute a separate appropriate bargaining unit. Although there is a community of interest among the clerks, their interests are not sufficiently separate and distinct from the interests of the city-wide employees to justify a separate bargaining unit. The clerks have a community of interest with other city employees working in administrative, technical and clerical positions in that their pay scale is identical, their terms and conditions of employment are similar, and their qualifications are comparable. Most important, however, in shaping our conclusion, is that the Board is reluctant to allow fragmentation of the bargaining unit unless the employees in question have distinct economic interests which cannot be fairly represented by a broader, more comprehensive city-wide group. In this case there is no question that the communications clerks will be effectively represented by the city-wide group.

### **DECISION**

Pursuant to Section 105.525 RSMo. 1969, the State Board of Mediation finds the unit set forth in Exhibit "A" to be appropriate.

### **DIRECTION OF ELECTION**

An election by secret ballot shall be conducted by the Chairman of the State Board of Mediation among the employees in the unit found appropriate, on December 19, 1979. The exact time and place will be set forth in the notice of election to be issued subsequently, subject to the Board's rules and regulations. Eligible to vote are those in the unit who were employed as of November 16, 1979, including employees who did not work during that period, because they were out ill or on vacation. Ineligible to vote are

employees who quit or were discharged for cause since the designated payroll period and who have not been rehired or reinstated before the election date.

It is hereby ordered that the respondent shall submit to the Chairman of the State Board of Mediation, as well as to the petitioner, within seven days from the date of receipt of this decision, an alphabetical list of the employees in the unit determined above to be appropriate who were employed during the designated eligibility date.

Entered this 29th day of November, 1979.

MISSOURI STATE BOARD OF MEDIATION

(SEAL)

/s/ Conrad L. Berry  
Conrad L. Berry, Chairman

/s/ Stanley W. Cox  
Stanley W. Cox, Employer Member

/s/ Robert Missey  
Robert Missey, Employee Member

## EXHIBIT "A"

Accounting Clerk II  
Accounting Clerk I  
Accounting Payroll Clerk  
Administrative Clerk I  
Air Pollution Chemist  
Air Control Specialist II  
Air Control Specialist I  
Airport Operations Clerk II  
Airport Operations Clerk I  
Art Museum Security Officer  
Assistant Curator of Art/Librarian  
Assistant Purchasing Agent

Building Inspector

Cashier-License Collector  
Central Record & M.I.S. Clerk  
Chief Auditor Inspector  
Chief of Stores & Printshop  
City Planner I  
Clerk  
Clerk Assistant Cashier  
Clerk-Receptionist  
Clerk-Stenographer II  
Clerk-Stenographer I  
Clerk Typist III  
Clerk Typist II  
Clerk Typist I  
Communications Clerk  
Crime Laboratory Aide  
Crime Laboratory Chemist

Dental Assistant  
Deputy Clerk of Municipal Court  
Detention Officer (Civilian)  
Dispatcher Clerk  
Duplicating Equipment Operator II  
Duplicating Machine Operator

Electrical Inspector  
Engineering Technician II  
Engineering Technician I  
Environmental Control Specialist II

Food Control Specialist II  
Food Control Specialist I  
Housing Control Specialist III



Housing Control Specialist II  
Housing Control Specialist I  
Human Resources Planner I

Inventory Control Clerk

Key Punch Operator

Laboratory Aide  
Laboratory Analyst II  
Laboratory Analyst I  
Laboratory Analyst (Sewage)  
Laboratory Technician (Sewage)  
Laboratory Technician  
Lead Poisoning Control Specialist I  
License Inspector

Mapping and Reprographics Technician  
Medical Laboratory Technician  
Medical Records Clerk  
Medical Secretary  
Medical Social Worker  
Milk Control Specialist II  
Milk Control Specialist I

Nutritionist

Parking Control Officer  
Pharmacy Technician  
Planning Technician II  
Planning Technician I  
Plumbing Inspector  
Police Planning Technician I  
Property Clerk  
Public Health Educator  
Public Health Investigator  
Public Health Nurse II  
Public Health Nurse I  
Public Health Nurse Assistant  
Public Health Program Rep. II

Rabies Control Officer  
Receptionist  
Receptionist Clerk Typist I  
Receptionist Switchboard Operator  
Records Clerk  
Recreation Aide  
Recreation Supervisor I  
Revenue Technician  
Right-of-Way Specialist

Right-of-Way Technician  
Rodent Control Specialist I

Secretary II  
Secretary I  
Senior Engineering Technician  
Sewer Billing Clerk  
Special Programs Coordinator  
Stores & Print Shop Operator  
Street & Sewer Construction Inspector II  
Street & Sewer Construction Inspector I  
Street & Sewer Design Specialist  
Street & Sidewalk Inspector Dispatcher  
Supply Clerk  
Supportive Services Coordinator  
Surveying Technician (Instrument Man)  
Surveying Technician (Party Chief)  
Surveying Technician (Rod & Chain Man)

Traffic Technician II  
Traffic Technician I

Vector Control Specialist II  
Vector Control Specialist I  
Vector Control Technician  
Video Assistant  
Video Technician

Water Pollution Control Inspector III  
Water Pollution Control Inspector II  
Water Pollution Control Inspector I  
Work Site Supervisor

X-Ray Technician

Youth Counselor

Zoning Enforcement Inspector

"EXCLUDING"

AIRPORT	Secretary II Clerk Stenographer II	BAKER, Karen Kay COOVERT, Adrienne J.
ART MUSEUM	Administrative Clerk I	WILLIAMS, Mary Beth
BUILDING REGULATIONS	Secretary II	HORN, Queeta Jewell
CHILDREN'S HOME	Administrative Clerk II	MOWRER, Betty L.
CITY CLERK	Administrative Clerk II Clerk Typist II Clerk Stenographer II	HYMER, Sheryl Lynn NOT OCCUPIED WILKINSON, Barbara L
FIRE	Clerk Stenographer I Administrative Clerk II	CARNEY, Regina Lynn LURVEY, Betty Lou
HEALTH	Administrative Clerk II	FLOWERS, Thelma Ruth
PARKS	Secretary II	MC VEY, Barbara Jean
PLANNING	Secretary II	ROGERS, Roberta G.
POLICE	Administrative Clerk II Clerk Stenographer II	FLOYD, Doris Irene HIGBY, Kathleen
PUBLIC WORKS	Administrative Clerk II Administrative Clerk II	CHANDLER, M Charlene COFFELT, Eden Evelyn
CITY MANAGER AND LAW	Clerk Typist II	SEXTON, Judith Faye

"EXCLUDING"

Accounting Supervisor  
Administrative Assistant - Mayor's Commission on Human Rights  
Administrative Assistant to the City Manager II  
Administrative Assistant to the City Manager  
Administrative Assistant to the Director  
Administrative Assistant to the Director of Public Works  
Administrative Clerk II  
Administrative Planner  
Administrative Systems Analyst  
Air Control Specialist III  
Airport Accountant  
Airport Operations Supervisor  
Airport Police Officer II  
Airport Police Officer I  
Assistant City Attorney III  
Assistant City Attorney II  
Assistant City Attorney I  
Assistant City Attorney  
Assistant Director of Public Works  
Assistant House Parent  
Assistant Programs Operations Director  
Assistant Supervisor of Sewage Treatment  
Assistant to City Manager  
Assistant to Director of Parks & Recreation  
Assistant to Director of Personnel  
Associate Civil Engineer  
Associate Sanitary Engineer  
  
Budget and Research Analyst  
Budget Technician  
  
Chemist  
Chief-Air Pollution Control  
Chief-Environmental Laboratory  
Chief of Environmental Hygiene  
Chief of Personal Health Services  
City Attorney  
City Clerk  
City Manager  
City Planner III  
City Planner II  
Clerical Assistant - Boards and Commissions  
Clerk of the Municipal Court  
Clinic Administrator  
Clinic Dentist  
Comptroller  
Concession Stand Supervisor

Construction Inspection Supervisor  
Contract and Design Specialist  
Cost Accountant  
Crime Laboratory Director  
Curator of Collections/Registrar  
Curator of Education

Dangerous Building Inspector  
Director of Art Museum  
Director of Aviation  
Director of Building Regulations  
Director of Finance  
Director of Manpower and Human Resources  
Director of Parks and Recreation  
Director of Personnel  
Director of Planning  
Director of Public Health and Welfare  
Director of Public Works

"EXCLUDING"

Educational Curator  
Electronic and Electrical Specialist  
Employment Supervisor  
Employment Technician  
Environmental Control Specialist III  
Environmental Geologist  
Equal Opportunity Technician

General Recreation Supervisor

House Parents  
Human Resources Planner II

Investigator

Landscape Gardener  
Legal Secretary  
Legal Technician

Park Ranger  
Payroll Clerk  
Personnel Clerk  
Personnel & Payroll Clerk  
Personnel Technician  
Police Planning Technician II  
Principal Civil Engineer  
Program Compliance Officer  
Program Coordinator (Lead Poisoning Control)  
Program Coordinator W.I.C.  
Program Operations Director  
Public Health Nurse III  
Public Information Officer  
Purchasing Agent

Recreation Supervisor II  
Relief Houseparents  
Right-of-way Agent

Sanitary Engineer  
Structural Engineer  
Superintendent of General Services  
Superintendent of Landscape and Forestry  
Superintendent of Park Maintenance  
Superintendent of Recreation  
Superintendent of Sanitary Services  
Superintendent of Streets  
Superintendent of the Children's Home

Superintendent of the Zoo  
Supervisor - Building Regulation Inspection  
Supervisor of Construction  
Supervisor of Municipal Buildings  
Supervisor of Rabies Control  
Supervisor of Sewage Treatment  
Supervisor of Streets, Trees & Public Grounds

Traffic Engineer  
Traffic Operations Engineer

Wage and Classification Technician  
Word Processing Operator  
Word Processing Supervisor

Youth Services Coordinator

Zoological Curator